

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

LUIS ALEJANDRO GARZA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. B-02-CA-154

DECLARATION OF ELIDA ANZALDUA

In accordance with 28 U.S.C. § 1746, I, Elida Anzaldua, make the following unsworn declaration, under penalty of perjury, pertinent to the above styled and numbered cause:

I am presently employed by the United States Department of Justice, Federal Bureau of Prisons (BOP) as Special Investigations Technician at the Federal Correctional Institution (FCI), Three Rivers, Texas. The official duties and responsibilities of my current position include custody of copies of videotapes recorded from surveillance cameras mounted throughout the institution, as well as custody of the Special Investigation case files at FCI, Three Rivers. Furthermore, I know that the videotaped images continuously record on one 24-hour loop, so that in every 24-hour period, the previous day's images are completely recorded over by the new day's images. Thus, unless part or all of the images are copied, they are not extant for more than 24 hours.

After a diligent search of the Special Investigation case files at FCI, Three Rivers, I have found an "Evidence Roster" pertaining to the assault on the plaintiff, which shows that on February 7, 2001, the Special Investigations Office acquired, a copy of the "Videotape of Rec.

Yard Assault" of February 6, 2001, and released that copy to Special Agent Ritter of the FBI on February 8, 2001, but the roster does not specify who released it, or what period of time the copy covers. I know of no other copy of that assault having been made by anyone.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on this 20 day of October, 2006.



Elida Anzaldua, Special Investigations Technician
Federal Correctional Institution
Three Rivers, Texas